United States District Court
For the Northern District of California

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NOT FOR CITATION

3   UNITED STATES DISTRICT COURT

4   NORTHERN DISTRICT OF CALIFORNIA

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RAUL E. RAMIREZ-GUERRERO

8   Petitioner,   No. C 04-3664 PJH

9   v.   **ORDER TRANSFERRING CASE**

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ALBERTO GONZALEZ, et al.,

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12   Respondents.
_____/

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14   On May 13, 2005, the government filed a notice of change of law, regarding the

15   recently-enacted REAL ID Act of 2005, P.L. 109-13, Div. B, 119 Stat. 231 ("REAL ID Act").

16   Section 106(a) of the REAL ID Act amends section 242 of the Immigration and Nationality

17   Act, 8 U.S.C. § 1252, to provide:

18   Notwithstanding any other provision of law (statutory or nonstatutory), including
             section 2241 of title 28, United States Code, or any other habeas corpus
19   provision, and sections 1361 and 1651 of such title, a petition for review filed
             with an appropriate court of appeals in accordance with this section shall be the
20   sole and exclusive means for judicial review of an order of removal entered or
             issued under any provision of this Act, except as provided in subsection (e).
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22   The REAL ID Act is retroactive and thus, applies to currently pending habeas petitions.

23   Pursuant to § 106(c) of the REAL ID Act, district courts are directed to transfer all pending

24   habeas petitions filed under 28 U.S.C. § 2241 challenging a final administrative order of

25   removal, deportation, or exclusion, to the court of appeals for the circuit in which a petition for

26   review could have been properly filed. See § 106(c) of the REAL ID Act.

27   Because Ramirez-Guerrero brought this habeas petition to challenge the legality of the

28   final order of removal against him, the language of the REAL ID Act requires this court to

     transfer this case to the Ninth Circuit. Accordingly, the court hereby directs the clerk to

1   TRANSFER this case.

2   **IT IS SO ORDERED.**

3   Dated: May 20, 2005

4   _____
    PHYLLIS J. HAMILTON
    United States District Judge

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